



# Town of Carlisle

MASSACHUSETTS 01741

Office of

PLANNING BOARD

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## MINUTES

April 24, 2000

- Public Hearing: Proposed amendments to the Carlisle Zoning Bylaws**  
Senior Residential Open Space Community, Sec. 5.7  
Site Plan Review, Sec 7.6  
Intensity and Dimensional Requirements for Lots Laid Out as Dwelling Sites, Sec. 4.1  
Personal Wireless Service Facilities, Sec. 5.9  
Review of Warrant Articles 20, 21 & 22 that relate to a proposal to construct low and moderate income housing on the Conant Land [Request of the Carlisle Housing Authority]  
Discussion of "informal conceptual plan" for subdivision of land at 381 Cross Street, Map 16, Parcel 39 [Request of Timothy Blunt]  
Continued Public Hearing: Definitive Subdivision Plan, Conservation Cluster and Common Driveway Special Permits for Hart Farm Estates, Map 28, Parcels 6, 7A, 11 and 12, adjacent to 893 Curve Street, Paul and Helen Hart, applicants  
Continued Public Hearing: Definitive Subdivision Plan, Conservation Cluster and Common Driveway Special Permits for Great Brook Estates, Map 26, Lot 18 & Map 35, Lot 22Y, 195 Rutland Street, Albert I. Gould and Betsy E. Goldenberg, applicants  
Discussion of report of Town employees Wage and Classification Study (Presentation by Human Resources Services, Inc. scheduled for the Selectmen's meeting at 8:00 p.m. on Tuesday, April 25, 2000)

Vice chair Epstein called the meeting to order at 7:30 p.m. Members Abend, Hara, Holzman, Lane and Reid were present. Planning Administrator George Mansfield and *Mosquito* reporter David Ives were also present. Tice arrived at 10:00 p.m.

Board members then organized themselves for the May 2<sup>nd</sup> Town Meeting and the four warrant articles to be presented there. The PA noted that any requests for copies to be distributed at Town Meeting should be brought to the PB office this week.

### Public Hearing: Proposed amendments to the Carlisle Zoning Bylaws - Senior Residential Open Space Community, Sec. 5.7

Michael Abend and Kate Reid presented this proposed amendment. Jane and Ralph Anderson of Baldwin Road and Kristine Bergenheim of Palmer Way were in attendance.

Abend began by giving an overview of the existing bylaw and outlining the two main changes being proposed. First, the minimum age requirement would be lowered from 62 to 55 and no school-aged children would be permitted to reside in the SROSC. He noted that this is in keeping with current State standards. Second, the maximum building size would remain essentially the same, but there would be no limitation to the maximum unit size. He noted that the maximum of 6000 sq. ft. per building would include garage space. Reid added that this change to the bylaw allows the developer greater flexibility in allocating space while maintaining the same building size and open space requirements.

Reid explained that Section 5.7.4.18.3 has been added to grant a two-year exemption in the event that there is no longer a qualifying resident in a unit. This would allow the non-eligible resident to transfer ownership to a qualifying resident.

Jane Anderson thought that perhaps it would be simpler to require all residents to be of the minimum age, rather than only one resident per unit. She felt this would eliminate the need for Section 5.7.4.18.3. Reid explained that one reason for allowing younger residents would be to provide for those who might require live-in caretakers.

Reid then explained that she had presented this article at the Municipal Land Committee meeting and there it was suggested that Section 5.7.4.19.2 be revised to state simply "That no resident of a dwelling unit shall be under the age of 18." The remainder of that section read "unless otherwise provided for in condominium deeds, trusts or other documents as may be required in the Carlisle Planning Board's Rules and Regulations." Reid agreed with the suggestion to delete that portion of the sentence and recommended this revision.

Ralph Anderson asked if there would be a minimum number of units per building. Abend explained that the units must be attached, which implies a minimum of two units. Anderson noted that this would allow 3000-sq. ft. or more per unit, which he felt was too large. Abend explained that the developer would only build such large units if there were a demand for them. Anderson stated that he understood that the original purpose of the SROSC was to provide affordable senior housing. He thought that such large units would not qualify as affordable. Abend noted that, in part, this revision was initiated in response to a request to increase unit size at the Malcolm Meadows SROSC. He also noted that the Board was asked to encourage developers to pursue this type of development by providing more flexibility. Abend explained that when several developers were polled as to why they did not pursue the SROSC, age and space limitations were most often cited.

Anderson then asked if cellar or attic space is included in the calculation of floor space. Abend admitted that he was not sure of this, but thought that unfinished areas would not be included in the calculation. Anderson recommended that the definition of "floor area" be added to this bylaw. Mansfield noted that with the Malcolm Meadows project, "floor area" was defined on the plan. He felt that this could be defined during the special permitting process. Mansfield reminded Anderson that the units in each building may have no more than an average of two bedrooms.

Later in the evening, after the public hearing on the warrant articles had been closed, the Board discussed its recommendation to Town Meeting. Reid moved to support the SROSC Bylaw amendment revising Section 5.7.4.18.2 by striking the phrase "unless otherwise provided for . . . in the Carlisle Planning Board's Rules and Regulations." Abend seconded the motion and it carried 7-0.

#### **Public Hearing: Proposed amendments to the Carlisle Zoning Bylaws - Site Plan Review, Sec 7.6**

Michael Epstein presented this proposed amendment. Jane and Ralph Anderson of Baldwin Road were in attendance.

Epstein distributed a blacklined draft of the proposed bylaw and outlined the main changes. He explained that previously, site plan review only applied in the business district. The revisions allow for site plan review of all non-residential uses in all districts. He emphasized that the bylaw would not regulate home offices since the primary use would still be residential. The Board of Selectmen would continue to be the site plan approval authority, but the revisions would expand their ability to consult with other Town boards in reaching a decision.

Ralph Anderson asked if barns would be considered a non-residential use. Epstein explained that if the barn were constructed as an accessory to the residence, then no site plan would be required. He directed Anderson to Section 3.2.1.11 of the current bylaw, which lists all accessory uses of residences. Anderson requested that these permitted accessory uses be excluded from the Site Plan Review bylaw. Epstein agreed to consider this.

The Board discussed its recommendation to Town Meeting later in the evening, after the public hearing on the warrant articles had been closed. Abend then moved to support amendment of Site Plan Review as proposed in Article 24, but with the exception of excluding "accessory use" as defined in Section 3.2.1.11 of the Zoning Bylaw. Lane seconded the motion and it carried 7-0.

**Public Hearing: Proposed amendments to the Carlisle Zoning Bylaws - Intensity and Dimensional Requirements for Lots Laid Out as Dwelling Sites, Sec. 4.1**

Louise Hara and Kate Reid presented this proposed amendment. Don Allen of Pilgrim Path and Dan Cook of Cross Street were in attendance.

Hara stated that the current bylaw requires two-acre lots to have a minimum of 250 ft. of frontage with an ellipse, while 4-acre lots must have 40 ft. of frontage and a 250-ft. diameter circle. Hara went on to explain that the intent of the amendment is to allow some flexibility in lot shape, while prohibiting narrow strips of unusable land created for the purpose of achieving minimum acreage requirements. For porkchop lots, the amended bylaw would require any portion of the lot used to calculate the minimum acreage to be at least 40 ft. wide. All other lots must conform to the following formula:  $16A/P^2 > 0.4$ , where A=the lot area in square feet, and P=the lot perimeter in feet. The PA noted that the formula applies only to that portion of the lot which conforms to minimum dimensional requirements. Any area in excess of that minimum may be irregular.

Don Allen asked if there is precedence for using this formula. Hara explained that this formula is used in many towns including Westford and Groton. Mansfield added that in his experience, a coefficient of 0.4 is widely used in communities using this formula. Dan Cook asked if Westford and Groton also have a two-acre minimum lot size. Hara explained that the formula applies to their minimum lot size, but wasn't sure if that would be one or two acres. These Towns also exempt porkchop lots from this formula.

In conclusion, Mansfield noted that, both the Planning Board's engineer and Town Counsel have given unsolicited recommendations that the Board propose this bylaw amendment.

Later in the evening, after the public hearing on the warrant articles had been closed, the Board discussed its recommendation to Town Meeting. Hara noted that Selectmen Vivian Chaput was not in favor of this bylaw amendment because she felt two and four-acre zoning is already restrictive enough. Epstein suggested that Chaput speak with Town Counsel Paul DeRensis. Abend then moved to support the Lot Regularity Bylaw as drafted. Lane seconded the motion and it carried 7-0.

**Public Hearing: Proposed amendments to the Carlisle Zoning Bylaws - Personal Wireless Service Facilities, Sec. 5.9**

Michael Epstein presented this proposed amendment. Don Allen, Lucinda Cutrer and Paul Gill of the Wireless Communications Advisory Committee (WCAC), and Rick Blum and Dave Keast of the Wireless Applications Advisory Committee (WAAC) were present. Greg McGahan of Woburn was also present.

The Public received copies of the draft revisions of the Carlisle Wireless Bylaw dated 4/4/00 with blacklined revisions showing changes from the current bylaw. Epstein went through the revisions explaining each item to the public. He then invited response from the WCAC.

Gill explained that the WCAC had met on April 10<sup>th</sup>, 14<sup>th</sup> and 20<sup>th</sup> and voted to recommend the following changes: 1) replace Section 5.9.5.1 with the following paragraph: "MONITORING: As a minimum, monitoring of personal wireless service facilities shall consist of periodic radio frequency peak-power measurements on the feed line to every transmit antenna. Such measurements shall be made initially before startup of any facility and subsequently at a periodicity which shall be specified in the Planning Board's Rules and Regulations for Personal Wireless Service Facilities. Such measurements shall be observed by a representative of the Town." And 2) Restore Section 5.9.4.3,

“EVALUATION BY INDEPENDENT CONSULTANTS:” so that it is unchanged from the current version of the bylaw (i.e., the words “shall and “must” are restored.

Regarding the first proposed revision, Gill explained that the WCAC agreed that cumbersome monitoring requirements should be removed, but wished to include this paragraph to ensure some monitoring. Don Allen understood that Town Counsel does not wish to impose an undue burden on the applicant, but Allen felt some monitoring should be required. Epstein stated that the PB is not against monitoring, but feels strongly that this should not be a part of the bylaw. Holzman noted that if technology changes, the Board would not be able to adjust monitoring techniques without a Town Meeting vote. Don Allen felt comfortable eliminating this section from the Bylaws if it is included in the Rules and Regulations and he asked that the Bylaw state this in some form. Epstein suggested that this could be resolved by changing the word “may” to “shall” in Section 5.9.5.1 of the 4/4/00 draft. The WCAC members agreed to this change and the PB agreed to incorporate this section into the Rules and Regulations.

In response to the second revision proposed by WCAC, Reid noted that it is important not to tie the hands of the PB by using the words “shall” and “must.” Coutter felt that requiring consultant review is in the Town’s best interest. Abend explained that the Board generally hires outside consultants to review such projects, but might not wish to spend funds unnecessarily if presented with a minor amendment. The three WCAC members present agreed to retain the wording in the 4/4/00 draft.

Abend then **moved to close the public hearing on the four warrant articles.** Holzman seconded the motion and it carried 6-0.

The Board discussed its recommendation to Town Meeting later in the evening, after other agenda items had been cleared. Epstein **moved to approve the Wireless Facilities Bylaw amendment with the following revision: In Section 5.9.5.1, the word “may” shall be changed to “shall.”** Abend seconded the motion and it carried 7-0.

**Review of Warrant Articles 20, 21 & 22 that relate to a proposal to construct low and moderate income housing on the Conant Land [Request of the Carlisle Housing Authority]**

Hal Sauer and Ralph Anderson of the Housing Authority came before the Board to inform it of the articles they will be presenting at Town Meeting. Marjie Findlay and Geoff Freeman of Rockland Road, and Bonnie and Gabor Miskolczy of Cross Street were also in attendance.

Based on advice from Town Counsel, article 20 will be withdrawn. Sauer explained that the purpose of Article 21 is to transfer authority over development of the Conant Land to a private, non-profit entity in order to allow that organization to pursue funding through grants. Anderson explained that Carlisle Affordable Housing, Inc. was originally appointed by the Carlisle Elderly Housing Association in the 1980s and is a qualified charitable organization. This organization, whose new members are Marty Galligan, Ed Sonn, Ralph Anderson, Tom Bilotta and Laura Snowdon, will be resurrected to assume the responsibility of developing the Conant Land, and will hold its first meeting on April 26<sup>th</sup>. Sauer concluded by explaining that Article 22 asks for \$20,000 for the Housing Authority to conduct preliminary engineering work.

Bonnie Miskolczy asked to see the delineation of Town-owned land to be used to site the affordable housing units. Sauer presented a sketch plan. Holzman questioned whether the article could be moved at Town Meeting before specific dimensions are given on the plan. Anderson informed the Board that because the Town would be leasing the property rather than selling it, Town Counsel has advised them that a sketch plan is adequate for Town Meeting. Hara asked if the Town would still have a voice in development of this land once this article is passed. Anderson explained that through the LIP program, the Selectmen would still review the application with input from other Town boards.

The Housing Authority asked for Planning Board support of Article 21 and 22 at Town Meeting. Epstein said he was not comfortable asking the Board to take a vote on this issue given the limited information and discussion held

this evening. Board members generally agreed, with several members noting that they do not feel inclined to vote against the article at this time, but would require more information to vote in favor of it.

*(Tice arrived.)*

**Discussion of “informal conceptual plan” for subdivision of land at 381 Cross Street, Map 16, Parcel 39 [Request of Timothy Blunt]**

Timothy Blunt was present with his engineer, John Thunberg of Thunberg Consulting, Inc. The following members of the public were also present: Rick Ursch and George J. Skelly of Berry Corner Road; John Bernardin of Bingham Road; Debbie Propp, Lenny Mintz, Dan Cook, Jim Gettys, Betsy and Steve Kendall, Bonnie and Gabor Miskolczy, Maria Conley, Caroline and Paul Wolosow, Mary Beth Stevenson, Fiona and Richard Sibley, Susan Stamps, Willis M. Pearson, and Sarah and Carl Andreassen of Cross Street.

Thunberg distributed copies of the conceptual plan to the Board and the public. He explained that under current zoning bylaws, the 7.2-acre parcel could be divided into two lots in a Definitive Subdivision Plan. He noted that the applicant recently became aware of the proposed zoning bylaw changes for lot regularity and realizes that the conceptual plan would not comply with the amended bylaw. Thunberg continued by explaining that the current lot has 250 ft. of frontage on Cross Street and a private cul-de-sac would be created to provide enough frontage for two lots. The existing house on the property would be razed.

Abend asked if sight distances had been calculated at the proposed intersection with Cross Street. Thunberg stated that he had not done calculations, but expected that a significant amount of clearing would be required to provide adequate sight distances. Members of the public noted that Cross Street is a scenic road. Thunberg stated that the required clearing would be done outside of the public right-of-way.

Epstein asked if the applicant had considered providing land as open space. Thunberg said that he had not discussed this with the applicant. He also noted that the wetlands indicated on the conceptual plan have not been officially delineated.

Several members of the public spoke out against the plan, feeling that it goes against the spirit of the zoning bylaw. Dan Cook informed the Board that there are already a number of long driveways near the proposed cul-de-sac. Susan Stamps felt that the existing house is attractive and relatively affordable for Carlisle. She asked if the Board could consider preventing teardowns. Debbie Propp reminded the public that Article 25 would prevent this type of lot from being developed and asked them to support this article at Town Meeting.

Epstein told the applicant that with the full agenda this evening, he could not allow further discussion. When Thunberg asked for a general opinion of the plan, Epstein stated that it was not an attractive plan, and suggested looking into alternatives.

**Continued Public Hearing: Definitive Subdivision Plan, Conservation Cluster and Common Driveway Special Permits for Hart Farm Estates, Map 28, Parcels 6, 7A, 11 and 12, adjacent to 893 Curve Street, Paul and Helen Hart, applicants**

With the applicant's prior consent, Abend moved and Hara seconded a motion to continue this public hearing to May 8, 2000 at 9:00 p.m. The motion carried 6-0-1 with Holzman abstaining.

**Continued Public Hearing: Definitive Subdivision Plan, Conservation Cluster and Common Driveway Special Permits for Great Brook Estates, Map 26, Lot 18 & Map 35, Lot 22Y, 195 Rutland Street, Albert I. Gould and Betsy E. Goldenberg, applicants**

The applicants were present with their engineer, Gary Shepard of David Ross and Associates. Chris and Rich Puffer of Rutland Street and Ray Faucher of Great Brook Farm State Park were also present.

Shepard informed the Board that LandTech has verbally agreed to the revisions provided on the most recent version of the plans, but has not been able to confirm this to the Board in writing. Shepard also obtained approval from the fire chief regarding the location of the three fire cisterns. He explained that two waivers from the Subdivision Rules and Regulations will be requested: 1) A waiver to allow a smaller line thickness in order to show greater detail on the plan and 2) A waiver from the requirement to locate all trees on the property with a diameter greater than 8 inches. Shepard then requested guidance on two outstanding issues. First, he asked if Lot 6 could be reconfigured to provide more useable open space. He also asked if the driveway to Lot 9 is allowed to cross the open space buffer strip. Shepard reminded the Board that this configuration existed on the preliminary plan and the Board approved it without comment.

When the Board attempted to outline the differences between the preliminary plan and the current plan, Gould noted that the preliminary plan included one subdivision plan and two separate conservation clusters. He argued that the current plan is essentially the same, except that one cluster has been removed. He asked why the Board is considering this plan differently. Epstein explained that the Board must find that the proposed conservation cluster open space is valuable enough to the Town to allow the bonus lot. Epstein asked the Board to consider the value of the proposed open space, which is now less than that proposed in the preliminary plan. Gould noted that the land sold to the Urbans remains as open space and would likely become available to the Town again if development were proposed in the future.

The PA read Art. III, Sec. 2.A.6 of the Subdivision Rules and Regulations which requires access to each lot through its frontage, and requires grading of the driveway to be shown on the plan. Mansfield noted that the grading of the driveway has not been shown. He also relayed advice from Town Counsel regarding access to Lot 9. Counsel stated that if the ConsCom does not allow driveway access through the lot's frontage, then a waiver would be required from the PB to allow use of the common driveway. Abend did not feel comfortable allowing access to a subdivision lot via a conservation cluster common driveway.

Ray Faucher stated that he had been on a site walk with the applicant and felt that the proposed open space provided a good trail. He suggested that the open space parcel be donated to Great Brook State Park so that they could maintain and regulate this trail. If the Town wishes to obtain ownership of this parcel, he asked that trail usage regulations be consistent with those of the park. Hara noted that the Carlisle Trails Committee has placed this trail on its high priority list. She felt it would be best to transfer ownership to the park for ease of maintenance. Ray Faucher then left the meeting, but Mansfield later noted that he had also asked that access to the State Park from the cul-de-sac be limited to area residents. In discussions outside the meeting, Faucher had also expressed concern about erosion of the trail at the proposed access from the cul-de-sac and the fact that this access does not connect with an existing trail.

Abend suggested that a standard subdivision plan might be better in this situation. Board members discussed alternatives such as allowing a longer cul-de-sac, improving common driveway configurations, subdivision vs. cluster development, and driveway access over the buffer strip. The Board was divided on each of these issues. Mansfield asked if the applicant had considered including more lots in the cluster to remedy the open space and access issues. Gould expressed frustration, asking why these questions had not been raised earlier. Discussion then turned to inclusion of Lot 9 in the conservation cluster. The Board generally felt that removing this lot from the subdivision and including it in the conservation cluster would resolve the main problems concerning access and open space. Gould and Shepard felt that this idea had merit and agreed to pursue it for the next meeting.

Epstein asked the Puffers if they were satisfied with the plan to buffer their property. They said that they were.

Speaking for the Fire Chief, the PA told the Board that Shepard is the most creative engineer he has worked with and that Shepard has provided solutions to all his requests.

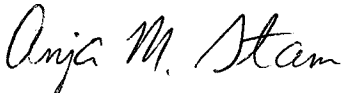
Abend then moved to continue the hearing to 9:45 p.m. on May 8, 2000. Lane seconded the motion and it carried 7-0.

**Discussion of report of Town employees Wage and Classification Study (Presentation by Human Resources Services, Inc. scheduled for the Selectmen's meeting at 8:00 p.m. on Tuesday, April 25, 2000)**

Excerpts from the Wage and Classification Study were presented to the Board and Tice asked members to contact him outside the meeting with any comments. Mansfield briefly described several errors in the study and the Planning Secretary informed the Board of inequities brought to light with this study. Tice, Hara, Lane and Mansfield scheduled a teleconference at 2:00 p.m. on April 29<sup>th</sup>. Lane and Hara agreed to attend the Selectmen's meeting at 8:00 p.m. on April 25<sup>th</sup> to represent the PB.

The Board spent the remainder of the meeting discussing its recommendations to Town Meeting and then adjourned at 1:02 a.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Anja M. Stam".

Anja M. Stam  
Planning Secretary